

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

STATE OF MICHIGAN, STATE OF)
MINNESOTA, STATE OF OHIO, STATE)
OF WISCONSIN, and)
COMMONWEALTH OF)
PENNSYLVANIA,)
)
Plaintiffs,) Case No. 1:10-cv-04457
v.)
) Hon. Robert M. Dow, Jr.
UNITED STATES ARMY CORPS OF)
ENGINEERS and METROPOLITAN)
WATER RECLAMATION DISTRICT OF)
GREATER CHICAGO,)
)
Defendants.)

**THE COALITION TO SAVE OUR WATERWAYS
MOTION IN LIMINE TO STRIKE THE AFFIDAVIT AND TO EXCLUDE THE
TESTIMONY OF PLAINTIFFS' EXPERT DAVID M. LODGE**

The Coalition to Save Our Waterways, an unincorporated association (the "Coalition"), by and through its undersigned counsel, hereby moves to strike the affidavit and to exclude the testimony of Plaintiffs' expert David M. Lodge pursuant to Federal Rule of Evidence 702. The grounds in support of this Motion are fully set forth in the Memorandum in Support of this Motion, filed herewith and incorporated herein by reference.

WHEREFORE, the Coalition to Save Our Waterways prays that this Court enter an order (1) granting its motion in limine; (2) striking the affidavit of Dr. Lodge from evidence; (3) disallowing Dr. Lodge to testify at the preliminary injunction hearing; and (4) providing any further relief this Court deems just and necessary.

Dated: August 20, 2010

Respectfully submitted,

THE COALITION FOR SAVE OUR
WATERWAYS

By: s/ Kristin H. Sculli

One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of August, 2010, a copy of the foregoing ***Coalition to Save Our Waterways Motion in Limine to Strike the Affidavit and Exclude the Testimony of Plaintiffs' Expert David M. Lodge*** was filed electronically. Notice of this filing will be sent to the following attorneys by operation of the Court's electronic filing system:

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